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8 Attorneys for United States of America

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

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13 UNITED STATES OF AMERICA,	)	CASE NO. CR 21-mj-70620-MAG
14 Plaintiff,	)	STIPULATION AND [PROPOSED] ORDER AS TO
15 v.	)	WAIVER OF TIME AND TO CONTINUE
16 DANIEL BARILI,	)	ARRAIGNMENT
17 Defendant.	)	

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19 The United States, by and through its counsel of record, and defendant, Daniel Barili by and  
20 through his counsel of record (collectively, the “Parties”), agree and stipulate:

21 Whereas, a status conference is currently scheduled for January 25, 2022, at 2:00 p.m.

22 Whereas, the Parties agree and stipulate herein that time shall be waived under Rule 5.1(c) (time  
23 for a preliminary hearing) and 18 U.S.C. § 3161(b) (requiring any information or indictment be filed  
24 within 30 days of arrest). The Parties further agree that this waiver of time is necessary for the review of  
25 discovery by the defense, for defense counsel to consult with his client, and to discuss possible pre-  
26 indictment resolution of the case. The Parties also agree and acknowledge that a pre-indictment resolution  
27 may not be reached.

28 Whereas, the Parties agree that the defendant has waived time for purposes of 18 U.S.C. § 3161(b)

1 and Rule 5.1(c), specifically, that time be waived from January 25, 2022 to March 30, 2022, for purposes  
2 of 18 U.S.C. § 3161(b) and Rule 5.1(c), that the preliminary hearing need not occur until March 30, 2022,  
3 and that the government need not file an information or indictment until March 30, 2022.

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5 Respectfully submitted,

6 DATED: January 20, 2022

7 STEPHANIE M. HINDS  
United States Attorney

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9 */s/ Jeffrey A. Backhus*  
JEFFREY A. BACKHUS  
Assistant United States Attorney

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11 DATED: January 20, 2022

12 */s/ Dejan Gantar*  
DEJAN GANTAR  
Assistant Federal Public Defender  
Attorney for Defendant  
Daniel Barili

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1                   [PROPOSED] ORDER

2       Upon agreement and stipulation of the United States, the defendant Daniel Barili, and their  
3 respective counsel of record, and good cause appearing, IT IS HEREBY ORDERED that time be  
4 waived from January 25, 2022, to March 30, 2022, for purposes of 18 U.S.C. § 3161(b) and Rule 5.1(c),  
5 that the preliminary hearing need not occur until March 30, 2022, and that the government need not file  
6 an information or indictment until March 30, 2022. Additionally, the preliminary hearing or  
7 arraignment on the information or indictment should be continued from January 25, 2022, to March 30,  
8 2022, at 2:00 p.m.

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10 IT IS SO ORDERED.

11 DATED:

12                   HON. VIRGINIA K. DEMARCHI  
13                   United States Magistrate Judge